

PATENT

Attorney Docket No.: 2879(203-3439)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David S. Keppel

Examiner: Not Assigned

Serial No.: ~~10/728,241~~
~~10/728,241~~

Group: Art Unit Not Assigned

Filed: December 4, 2003

Dated: March 18, 2004

For: ELECTROSURGICAL ELECTRODE HAVING
A NON-CONDUCTIVE POROUS CERAMIC COATING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the references listed on pages 1-9 are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. §1.98. Copies of foreign references and publications listed on pages 10-14 of form PTO-1449 are enclosed.

Applicant would also like to bring commonly-owned U.S. Application Serial No. 09/419,592 filed October 18, 1999; U.S. Application Serial No. 09/621,029 filed July 21, 2000; U.S. Application Serial No. 10/246,107 filed September 17, 2002; U.S. Application Serial No. 10/474,227 filed October 3, 2003; U.S. Application Serial No. 10/299,650 filed November 19, 2002; U.S. Application Serial No. 10/246,087 filed September 17, 2002; U.S. Application Serial No. 10/090,081 filed March 1, 2002;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2004.

Dated: March 18, 2004


Edward C. Meagher

U.S. Application Serial No. 10/164,754 filed June 6, 2002; U.S. Application Serial No. 10/243,274 filed September 13, 2002; U.S. Application Serial No. 10/474,226 filed October 3, 2003; U.S. Application Serial No. 10/338,953 filed January 8, 2003; U.S. Application Serial No. 10/474,168 filed October 3, 2003; U.S. Application Serial No. 10/471,818 filed September 11, 2003; U.S. Application Serial No. 10/474,273 filed October 3, 2003; U.S. Application Serial No. 10/712,486 filed November 13, 2003; U.S. Application Serial No. 10/460,926 filed June 13, 2003; U.S. Application Serial No. 10/461,550 filed June 13, 2003; U.S. Application Serial No. 10/462,121 filed June 13, 2003; U.S. Application Serial No. 10/718,379 filed November 20, 2003 to the Examiner's attention. Copies of these applications are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.

- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. 50-2140.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 50-2140.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the

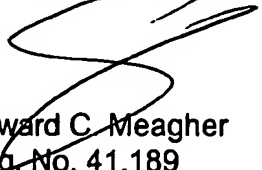


time as required and charge Deposit Account No. 50-2140 therefor.

TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

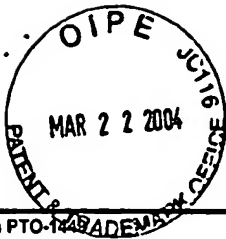
The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,


Edward C. Meagher
Reg. No. 41,189
Attorney for Applicant(s)

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Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526

ECM/gm



without references

Sheet

1 of

14

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)
2879(203-3439)Application Number
10/782,211Applicant
David S. KeppelFiling Date
December 4, 2003

Group Art Number

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
|------------------|-----------------|------------|--------------------|-------|----------|----------------------------|
| | RE38795 | 7/25/00 | RYDELL | | | |
| | 371,664 | 10/18/1887 | BRANNAN ET AL. | | | |
| | 702,472 | 6/17/1902 | PIGNOLET | | | |
| | 728,883 | 5/26/1903 | DOWNES | | | |
| | 1,586,645 | 6/1/26 | BIERMAN | | | |
| | 2,002,594 | 5/28/35 | WAPPLER ET AL. | | | |
| | 2,011,169 | 8/13/35 | F.C. WAPPLER | | | |
| | 2,176,479 | 10/17/39 | WILLIS | | | |
| | 2,305,156 | 4/17/41 | GRUBEL | | | |
| | 2,832,661 | 8/14/48 | CRISTOFV | | | |
| | 2,668,538 | 2/9/54 | BAKER | | | |
| | 2,796,065 | 6/18/57 | KAPP | | | |
| | 3,458,187 | 3/9/67 | PALLOTTA | | | |
| | 3,643,663 | 2/22/72 | SUTTER | | | |
| | 3,651,811 | 3/28/72 | HILDEBRANDT ET AL. | | | |
| | 3,862,630 | 1/28/75 | BALAMUTH | | | |
| | 3,868,610 | 2/18/75 | KLETSCHKA | | | |
| | 3,911,766 | 10/14/75 | FRIDOLPH ET AL. | | | |
| | 3,920,021 | 11/18/75 | HILTEBRANDT | | | |
| | 3,921,641 | 11/25/75 | HULKA | | | |
| | 3,938,527 | 2/17/76 | RIoux ET AL. | | | |
| | 3,952,749 | 4/27/76 | FRIDOLPH ET AL. | | | |
| | 3,970,088 | 7/20/76 | MORRISON | | | |
| | 3,978,795 | 9/7/76 | STRUNK ET AL. | | | |
| | 4,005,714 | 2/1/77 | HILTEBRANDT | | | |
| | 4,074,718 | 2/21/78 | MORRISON, JR. | | | |
| | 4,087,878 | 5/9/78 | GRIESHABER ET AL. | | | |
| | 4,088,134 | 5/9/78 | MAZZARIELLO | | | |

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

| Form PTO-1449 | | Docket Number (Optional) 2879(203-3439) | | Application Number 10/782,211 | | |
|---|--------------------|--|-------------------|----------------------------------|----------|-------------------------------|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION. (Use several sheets if necessary) | | Applicant David S. Keppel | | | | |
| | | Filing Date December 4, 2003 | | Group Art Number | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
| | 4,185,746 | 8/28/79 | BURGIN | | | |
| | 4,232,676 | 11/11/80 | HERCZOG | | | |
| | 4,300,584 | 11/17/81 | FURIHATA | | | |
| | 4,314,559 | 2/9/82 | ALLEN | | | |
| | 4,333,467 | 6/8/82 | DOMICONE | | | |
| | 4,370,980 | 2/1/83 | LOTTICK | | | |
| | 4,492,231 | 1/8/85 | AUTH | | | |
| | 4,517,975 | 5/21/85 | GARITO ET AL. | | | |
| | 4,552,143 | 11/12/85 | LOTTICK | | | |
| | 4,574,804 | 3/11/88 | KURWA | | | |
| | 4,597,379 | 7/1/88 | KHN ET AL. | | | |
| | 4,643,183 | 2/17/87 | DEMARZO | | | |
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| | 4,671,274 | 6/9/87 | SOROCHENKO | | | |
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| | 4,783,669 | 8/16/88 | JAEGER | | | |
| | 4,785,807 | 11/22/88 | BLANCH | | | |
| | 4,827,929 | 5/9/89 | HODGE | | | |
| | 4,852,200 | 8/1/89 | PHILLIPS ET AL. | | | |
| | 4,887,812 | 12/18/89 | ESSER ET AL. | | | |
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| | 4,938,761 | 7/3/90 | ENSSLIN | | | |
| | 5,007,908 | 4/18/91 | RYDELL | | | |
| | 5,018,401 | 5/21/91 | MANGUS | | | |
| | 5,026,370 | 6/25/91 | LOTTICK | | | |
| | 5,099,840 | 3/31/92 | GOBLE ET AL. | | | |
| | 5,116,332 | 5/26/92 | LOTTICK | | | |
| | 5,151,102 | 9/29/92 | XAMİYAMA ET AL. | | | |
| | 5,178,695 | 1/5/93 | OULEBOHN | | | |
| | 5,197,984 | 3/30/93 | PARINS | | | |
| | 5,191,870 | 3/9/93 | LAKE ET AL. | | | |
| | 5,197,982 | 3/30/93 | SANSOM ET AL. | | | |
| | 5,215,101 | 6/1/93 | JACOBS ET AL. | | | |
| | 5,217,457 | 6/8/93 | DELAHUERGA ET AL. | | | |
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| | 5,244,482 | 9/14/93 | DELAHUERGA ET AL. | | | |
| | 5,260,047 | 10/5/93 | RYDELL | | | |
| Examiner | | | | Date Considered | | |
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| | 5,258,006 | 11/2/93 | RYDELL ET AL. | | | |
| | 5,261,918 | 11/16/93 | PHILLIPS ET AL. | | | |
| | 5,275,615 | 1/4/94 | ROSE | | | |
| | 5,277,201 | 1/11/94 | STERN | | | |
| | 5,282,799 | 2/1/94 | RYDELL | | | |
| | 5,290,286 | 3/1/94 | PARINS | | | |
| | 5,304,203 | 4/19/94 | EL-MALLAWANY ET AL. | | | |
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| | 5,334,183 | 8/2/94 | WUCHINICH | | | |
| | 5,334,215 | 8/2/94 | CHEN | | | |
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| | 5,342,359 | 8/30/94 | RYDELL | | | |
| | 5,342,381 | 8/30/94 | TIDEMAND | | | |
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| | 5,352,222 | 10/4/94 | RYDELL | | | |
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| | 5,356,408 | 10/18/94 | RYDELL | | | |
| | 5,366,477 | 11/22/94 | LEMARIE, III ET AL. | | | |
| | 5,380,320 | 1/10/95 | MORRIS | | | |
| | 5,383,897 | 1/24/95 | WHOLEY | | | |
| | 5,389,098 | 2/14/95 | TSURUTA ET AL. | | | |
| | 5,389,104 | 2/14/95 | HAHNEN ET AL. | | | |
| | 5,391,166 | 2/21/95 | EGGERS | | | |

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|------------------|-----------------|----------|-----------------|-------|----------|----------------------------|
| | 5,391,183 | 2/21/95 | JANZEN ET AL. | | | |
| | 5,403,312 | 4/4/95 | YATES ET AL. | | | |
| | 5,411,519 | 5/2/95 | TOVEY ET AL. | | | |
| | 5,411,520 | 5/2/95 | NASH ET AL. | | | |
| | 5,413,571 | 5/9/95 | KATSAROS ET AL. | | | |
| | 5,415,657 | 5/16/95 | TAYMOR-LURIA | | | |
| | 5,423,810 | 6/13/95 | GOBLE ET AL. | | | |
| | 5,425,739 | 6/20/95 | JESSEN | | | |
| | 5,429,616 | 7/4/95 | SCHAFER | | | |
| | 5,431,674 | 7/11/95 | BASILE ET AL. | | | |
| | 5,437,292 | 7/4/95 | SCHAFER | | | |
| | 5,438,302 | 8/1/95 | GOBLE | | | |
| | 5,441,517 | 8/15/95 | KENSEY ET AL. | | | |
| | 5,443,463 | 8/22/95 | STERN ET AL. | | | |
| | 5,443,464 | 8/22/95 | RUSSELL ET AL. | | | |
| | 5,443,480 | 8/22/95 | JACOBS ET AL. | | | |
| | 5,445,638 | 8/29/95 | RYDELL ET AL. | | | |
| | 5,445,658 | 8/29/95 | DURRFELD ET AL. | | | |
| | 5,451,224 | 9/19/95 | GOBLE ET AL. | | | |
| | 5,456,684 | 10/10/95 | SCHMIDT ET AL. | | | |
| | 5,458,598 | 10/17/95 | FEINBERG ET AL. | | | |
| | 5,460,629 | 10/24/95 | SHLAIN ET AL. | | | |
| | 5,462,546 | 10/31/95 | RYDELL | | | |
| | 5,472,443 | 12/5/95 | CORDIS ET AL. | | | |
| | 5,478,351 | 12/26/95 | MEADE ET AL. | | | |

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|------------------|-----------------|----------|---------------------|-------|----------|----------------------------|
| | 5,484,436 | 1/6/96 | EGGERS ET AL. | | | |
| | 5,496,317 | 3/5/96 | GOBLE ET AL. | | | |
| | 5,499,997 | 3/19/96 | SHARPE ET AL. | | | |
| | 5,509,922 | 4/23/96 | ARANYI ET AL. | | | |
| | 5,514,134 | 5/7/96 | RYDELL ET AL. | | | |
| | 5,527,313 | 6/18/96 | SCOTT ET AL. | | | |
| | 5,531,744 | 7/2/96 | NARDELLA ET AL. | | | |
| | 5,540,684 | 7/30/96 | HASSLER, JR. | | | |
| | 5,540,685 | 7/30/96 | PARINS, ET AL. | | | |
| | 5,540,715 | 7/30/96 | KATSAROS ET AL. | | | |
| | 5,549,604 | 8/27/96 | SUTCU ET AL. | | | |
| | 5,558,672 | 9/24/96 | EDWARDS ET AL. | | | |
| | 5,569,241 | 10/29/96 | EDWARDDS | | | |
| | 5,571,100 | 11/5/96 | GOBLE ET AL. | | | |
| | 5,569,243 | 10/29/96 | KORTENBACH ET AL. | | | |
| | 5,573,535 | 11/12/96 | VIKLUND | | | |
| | 5,585,896 | 12/17/96 | YAMAZAKI ET AL. | | | |
| | 5,590,570 | 1/7/97 | LEMAIRE, III ET AL. | | | |
| | 5,603,711 | 2/18/97 | PARINS, ET AL. | | | |
| | 5,603,723 | 2/18/97 | ARANYI ET AL. | | | |
| | 5,626,578 | 5/6/97 | TIHON | | | |
| | 5,630,833 | 5/20/97 | KATSAROS ET AL. | | | |
| | 5,637,110 | 6/10/97 | PENNYBACKER ET AL. | | | |
| | 5,643,294 | 7/1/97 | TOVEY ET AL. | | | |
| | 5,647,869 | 7/15/97 | GOBLE ET AL. | | | |
| | 5,647,871 | 7/15/97 | LEVINE ET AL. | | | |
| | 5,649,959 | 7/22/97 | HANNAM ET AL. | | | |

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| U.S. PATENT DOCUMENTS | | | | | | |
| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
| | 5,658,281 | 8/18/97 | HEARD | | | |
| | 5,658,282 | 8/18/97 | DAW ET AL. | | | |
| | 5,667,526 | 9/16/97 | LEVIN | | | |
| | 5,674,220 | 10/7/97 | FOX ET AL. | | | |
| | 5,693,051 | 12/2/97 | SCHULZE ET AL. | | | |
| | 5,695,522 | 12/9/97 | LEMAIRE, III ET AL. | | | |
| | 5,697,926 | 12/16/97 | WEAVER | | | |
| | 5,700,261 | 12/23/97 | BRINKERHOFF | | | |
| | 5,702,390 | 12/30/97 | AUSTIN ET AL. | | | |
| | 5,707,369 | 1/13/98 | VAITEKUNAS ET AL. | | | |
| | 5,709,680 | 1/20/98 | YATES ET AL. | | | |
| | 5,713,895 | 2/3/98 | LONTINE ET AL. | | | |
| | 5,720,775 | 2/24/98 | LARNARD | | | |
| | 5,727,428 | 3/17/98 | LEMAIRE, III ET AL. | | | |
| | 5,743,906 | 4/28/98 | PARINS, ET AL. | | | |
| | 5,755,717 | 5/26/98 | YATES ET AL. | | | |
| | 5,762,387 | 6/9/98 | EDGERLY ET AL. | | | |
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| | 5,766,170 | 6/16/98 | EGGERS | | | |
| | 5,769,849 | 6/23/98 | EGGERS | | | |
| | 5,776,128 | 7/7/98 | EGGERS | | | |
| | 5,776,130 | 7/7/98 | BUYSSE ET AL. | | | |
| | 5,779,701 | 07/14/98 | MCBRAYER ET AL. | | | |
| | 5,792,137 | 8/11/98 | CARR ET AL. | | | |
| | 5,792,177 | 8/11/98 | KASEDA | | | |
| | 5,797,958 | 08/25/98 | YOON | | | |
| | 5,800,449 | 9/1/98 | WALES | | | |
| | 5,810,808 | 9/22/98 | EGGERS | | | |
| | 5,810,811 | 09/22/98 | YATES ET AL. | | | |
| | 5,814,043 | 9/29/98 | SHAPETON | | | |
| | 5,827,271 | 10/27/98 | BUYSSE ET AL. | | | |
| | 5,827,279 | 10/27/98 | HUGHETT ET AL. | | | |
| | 5,827,281 | 10/27/98 | LEVIN | | | |
| Examiner | | | | Date Considered | | |
| Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | | | | |

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U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
|------------------|-----------------|----------|---------------------|-------|----------|----------------------------|
| | 5,833,690 | 11/10/98 | YATES ET AL. | | | |
| | 5,843,080 | 12/1/98 | FLEENOR ET AL. | | | |
| | 5,849,022 | 12/15/98 | SAKASHITA ET AL. | | | |
| | 5,853,412 | 12/29/98 | MAYENBERGER | | | |
| | 5,891,141 | 4/6/99 | RYDELL | | | |
| | 5,891,142 | 4/6/99 | EGGERS ET AL. | | | |
| | 5,893,863 | 04/13/99 | YOON | | | |
| | 5,893,875 | 4/13/99 | O'CONNOR ET AL. | | | |
| | 5,902,301 | 5/11/99 | OLIG | | | |
| | 5,908,420 | 7/1/99 | PARINS, ET AL. | | | |
| | 5,913,874 | 6/22/99 | BERNS ET AL. | | | |
| | 5,921,984 | 7/13/99 | SUTCU ET AL. | | | |
| | 5,925,043 | 7/20/99 | KUMAR ET AL. | | | |
| | 5,935,128 | 8/10/99 | RIZA | | | |
| | 5,951,549 | 9/14/99 | RICHARDSON ET AL. | | | |
| | 5,954,720 | 9/21/99 | WILSON ET AL. | | | |
| | 5,976,132 | 11/2/99 | MORRIS | | | |
| | 5,989,277 | 11/23/99 | LEMAIRE, III ET AL. | | | |
| | 6,004,335 | 12/21/99 | VAITEKUNAS ET AL. | | | |
| | 6,024,744 | 2/15/00 | KESE ET AL. | | | |
| | 6,033,389 | 3/7/00 | GINES | | | |
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| | Applicant David S. Keppel | |
| | Filing Date December 4, 2003 | Group Art Number |

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